

How Virginia Registrars Can Assist Families to Care for Their Own Dead

Virginia families have the legal right to custody and control of their own dead. They may also choose to file the death certificate without the assistance of a funeral director. Registrars may be unfamiliar with paper filings and families handling this paperwork on their own. Knowing how to serve these families, who are exercising their rights under Virginia law, is a vital public service.

Legal Authority of Families

In Virginia the legislative authority for families to act as unpaid funeral services practitioners is found **Virginia Code § 32.1-263-b:**

The licensed funeral director, funeral service licensee, office of the state anatomical program, or next of kin as defined in § 54.1-2800 who first assumes custody of a dead body shall complete the certificate of death...If a member of the next of kin of the deceased completes the certificate of death, he shall file the certificate of death in accordance with the requirements of subsection A but shall not be required to file the certificate of death electronically.

Ways You Are Empowered to Assist Families

As a member of the staff, you may field inquiries or accept filings from families wishing to file the death certificate without reliance on a funeral director. These suggestions will help these families receive the same high level of service provided to those using a professional to file electronically:

1. Ensure that you and all of your colleagues are familiar with Virginia law regarding a family's right to care for their own dead, including the "dropped to paper" death certificate filing process.
2. If additional clarification or training is needed to ensure paper filings will be accepted and processed in a timely fashion, please consult the Virginia Department of Health, Vital Records Department.
3. Familiarizing yourself with the additional information resources below will further equip you to serve families who choose to care for their dead.

Additional Information

Virginia Funeral Resources & Education www.virginiafuneral.org

National Home Funeral Alliance www.homefuneralalliance.org

Funeral Consumers Alliance www.funerals.org